The IG Assistance Function

Special Cases & Complications

Part II

Assistance Part 2

STEP 2: IG PA

- **ID issues & allegations**
- **Determine IG appropriateness**
- **Acknowledge receipt**
- **Select CoA**

Bottom Line: Some complaints are not IG appropr

Assistance Part 2

Not IG Appropriate

ELO

- **Criminal allegations (with exception)**
- **EO complaints (with exception)**
- **Hazardous work conditions**

AR 20-1; A&I Guide Chap. 4

Assistance Part 2

Not IG Appropriate
(continued)

- **Redress available through other channels**
  - **OER / NCOER**
  - **Report of Survey**

- Thoroughly analyze the complaint to identify all issues

- Determine if the complainant has attempted to use the appropriate appeal process. If not, advise him to do so

- Complete DA Form 1559

Not IG Appropriate
(continued)

Assistance Part 2

- **Allegations involving Army lawyers, military or civilian, professional or supervisory actions**

AR 20-1, para 8-3b(5)(6)

Assistance Part 2

Not IG Appropriate
(continued)

- **Redress available to DoD civilians**
- **Soldier nonsupport of family**

IG Appropriate – But Not For Most IGs

Assistance Part 2

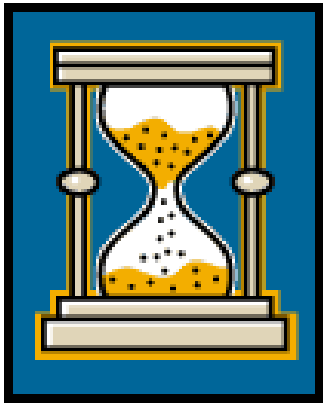
- **Allegations against COL(P) and higher, and SES civilians are reported to DAIG Investigations Division within 2 working days**
- **DO NOT CONDUCT *ANY* FACT-FINDING**
- **Don't enter in IGARS**
  - **Senior official cases are entered into a separate IG database**
- **Phone (703) 601-1000**

Time Limit

ELO

Assistance Part 2

- **Complaint received 10 years after event occurred:**
  - **Complete a DA Form 1559**
  - **Analyze the complaint for all issues and allegations**
  - **Inform complainant IGAR not timely**
  - **Do not work case**



- **UNLESS**
  - **TIG authorizes**
  - **Complaints involving senior officials**

AR 20-1, para 4-2d; A&I Guide Sect. 5-1

Civilian IGARs

Civilian Employee Categories

- **Appropriated Fund (APF)**
  - **Governed by Office of Personnel Management (OPM)**

- **Nonappropriated Fund (NAF)**
  - **AR 215-3, *NAF-Personnel Policies and Procedures, 1 Apr 02***

A&I Guide Chap. 6

Civilian Employee Categories (continued)

Assistance Part 2

- **Local National (LN)**
  - **Status of Forces Agreement**
- **Contractors**
  - **Statement of work determine avenue of redress**
  - **Check with SJA**

AR 20-1, para 7-4d; A&I Guide, Chap. 6

Civilian IGARs That Are Usually IG Inappropriate

Assistance Part 2

ELO

- **Grievances: refer to CPAC**
- **Appeals of Adverse Action: refer to CPAC**
- **EEO Complaints: refer to EEO**
- **Whistleblower Reprisal: referral depends on status (more on day 10)**

AR 20-1, para 4-4k (1)(a-d); A&I Guide, Chap. 7

Assistance Part 2

Civilian IGARs That May Be IG Appropriate

- **Matters not directly affecting the employment situation or well-being of the individual:**
  - **Third-party complaints**
  - **Misconduct**
  - **Mismanagement**

AR 20-1, para 4-4k(2)

Civilian Cases

- **AR 20-1, paragraph 4-4k**
- **A&I Guide, Chapter 7**
  - **IG Decision Matrix for DoD Civilian Complaints**

- **Always analyze to determine if IG action is necessary to correct regulatory violation or systemic problem**

Civilian Cases
(continued)

- **Where do the IG go for advice?**
  - **Local CPAC/CPOC**
  - **SJA**

Nonsupport Cases

About 10% of all IGARS

Nonsupport Cases

Assistance Part 2

- **AR 608-99, *Family Support, Child Custody and Paternity***
  - **Office of The Judge Advocate General (OTJAG) is proponent**
  - **Commanders enforce the regulation**

- **IGs receive the complaint, ensure the commander is notified, and monitor case to completion**

Highlights of AR 608-99

Assistance Part 2

- **Responsibilities: Chapter one**
- **Legal Obligations of Soldiers: Chapter two**
- **Command Responses to Inquiries: Chapter three**
- **Assistance from Government Officials Based on Court Orders: Chapter four**
- **Command Briefings: Chapter five**

IG Role In Nonsupport Cases

ELO

Assistance Part 2

- **Where in AR 608-99 are IG responsibilities listed?**

- **AR 20-1, para 7-4b:**
  - **Ensure immediate needs are met.**
  - **Ensure commander is aware and takes appropriate action.**

A&I Guide, Sect. 4-7

Commander's Role In Nonsupport Cases

ELO

Assistance Part 2

- **AR 608-99, paras 1-4f,g; 3-4a; 3-5a**
  - **Respond in writing within 14 days**
  - **Counsel soldiers as appropriate**

… and <u>much</u> more

A&I Guide, Sect. 4-7

Make Your Job Easier

Assistance Part 2

- **Teach and train on AR 608-99**
  - **Company Commander and First Sergeant Course**
  - **Officer Professional Development / Noncommissioned Officer Development Program**
- **Know IG responsibility**

Assistance Part 2

Summary

- **Is a complaint about hazardous work condition appropriate for the IG to work?**

- **What is the rule for receiving an IGAR ten or more years after the event occurred?**

- **When a DA Civilian complain of racial discrimination to the local IG, the IG will do what?**

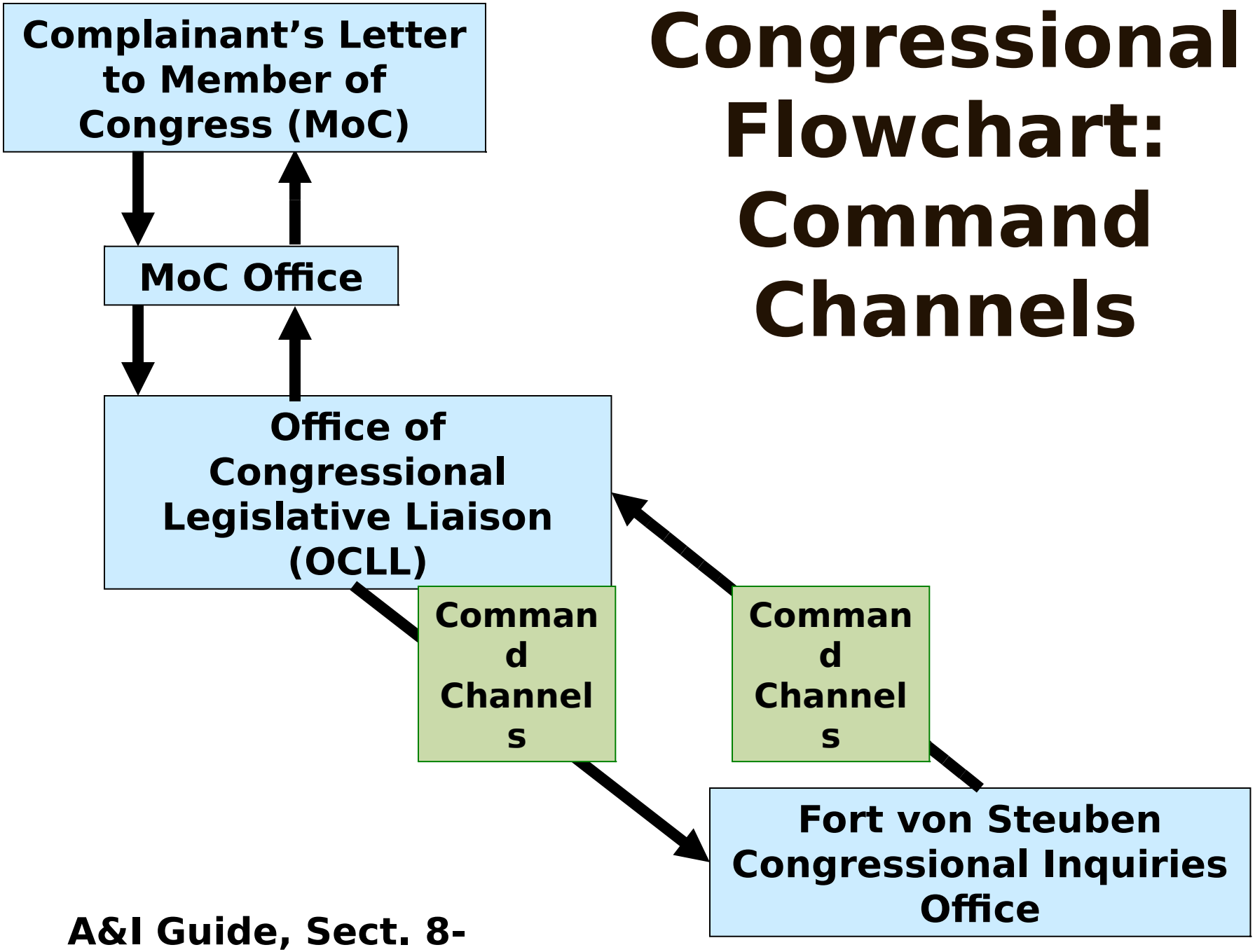
- **What is the IG role in nonsupport cases?**

- **What is the commander's role in nonsupport cases?**

Congressionals

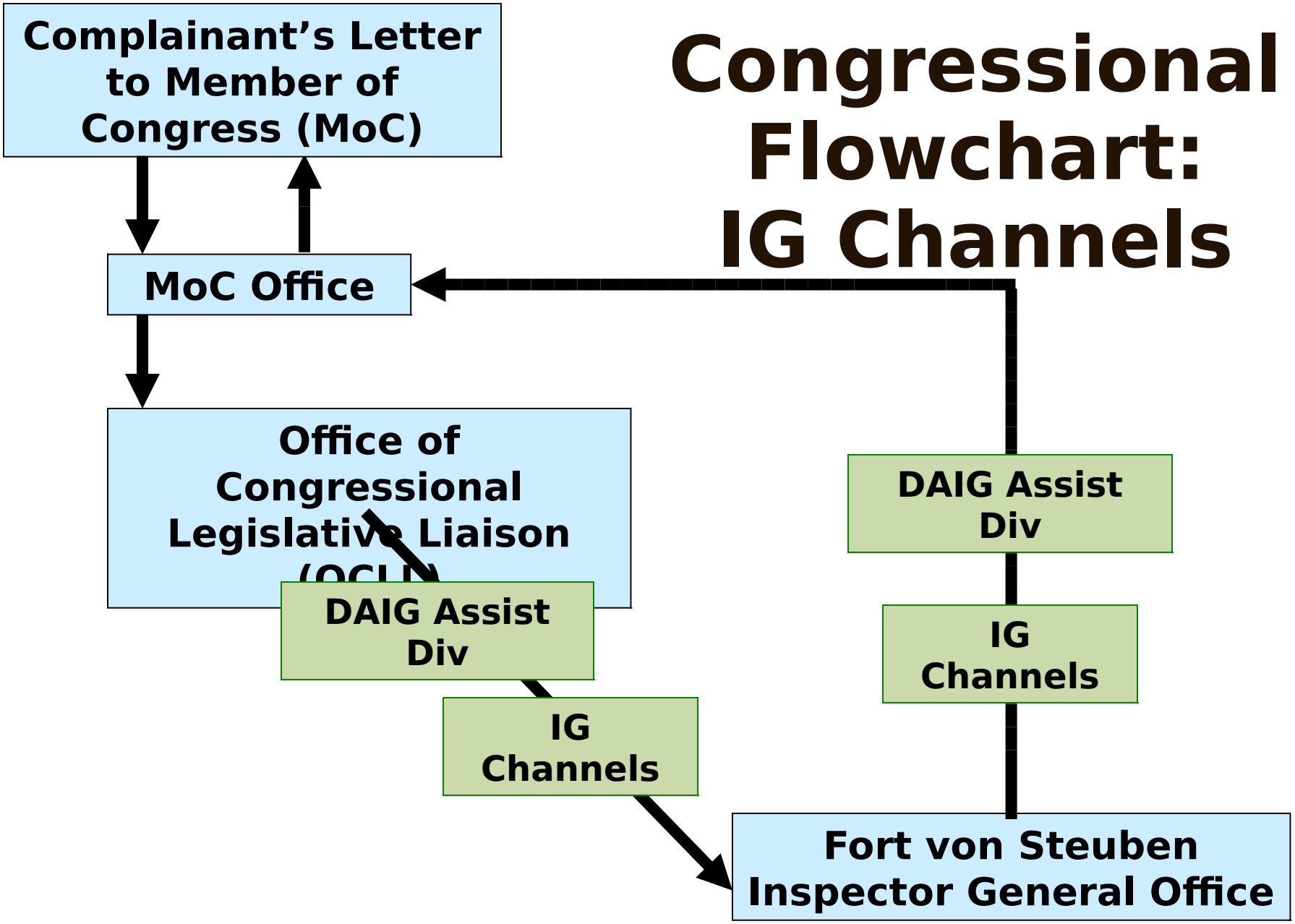
Just Another Way to Write-In

Congressional Flowchart: Command Channels


Complainant's Letter to Member of Congress (MoC)
MoC Office
Office of Congressional Legislative Liaison (OCLL)
Command Channels
Command Channels
Fort von Steuben Congressional Inquiries Office

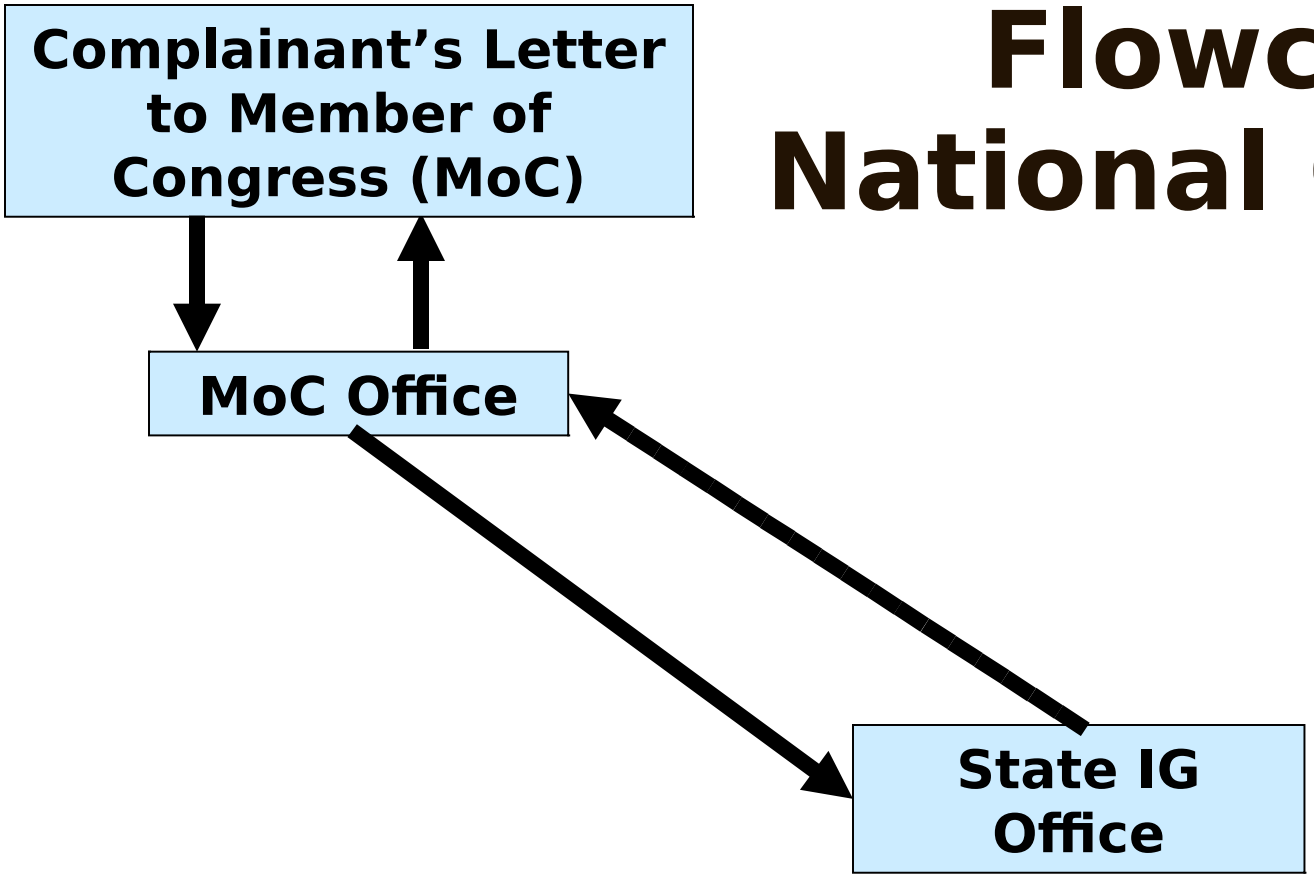
A&I Guide, Sect. 8-1

Congressional Flowchart: IG Channels



A&I Guide, Sect. 8-2

Congressional Flowchart: National Guard IG



AR 20-1, para 7-7c; A&I Guide, Sect. 8-1

Congressional Process

Assistance Part 2

- **DAIG Assistance Division tasked a Congressional Inquiry, but the local IG is already working the case for the complainant**
  - **Inform complainant that the response will come through Member of Congress (MoC)**
  - **Send completed case to DAIG-AC for final response to Member of Congress (MoC)**

Congressional Process

Assistance Part 2

- **DAIG Assistance Division tasked a Congressional Inquiry, but the Local Congressional liaison Office has already worked the issue through command channels**
  - **Contact DAIG-AC & explain**
  - **Review previous response for completeness (all issues & allegations addressed?)**
  - **Forward copy of previous response to DAIG-AC for final response to MoC**

Congressional Process

Assistance Part 2

- **DAIG Assistance Division tasked a Congressional Inquiry, but local IG worked case for complainant and has already closed it**
  - **Contact DAIG-AC**
  - **Send completed case for DAIG-AC final response to MoC**

Congressional Process

Assistance Part 2

- **Local IG receives Congressional Inquiry through Local Congressional liaison Office**
  - **Contact DAIG-AC**
    - **Command channels more appropriate?**
      - **If not, Assistance Division will have OCLL re-task through IG channels**
      - **If so, have Local congressional office re-task**

AR 20-1, para 8-9a; A&I Guide, Sect. 8-1

Congressional Process

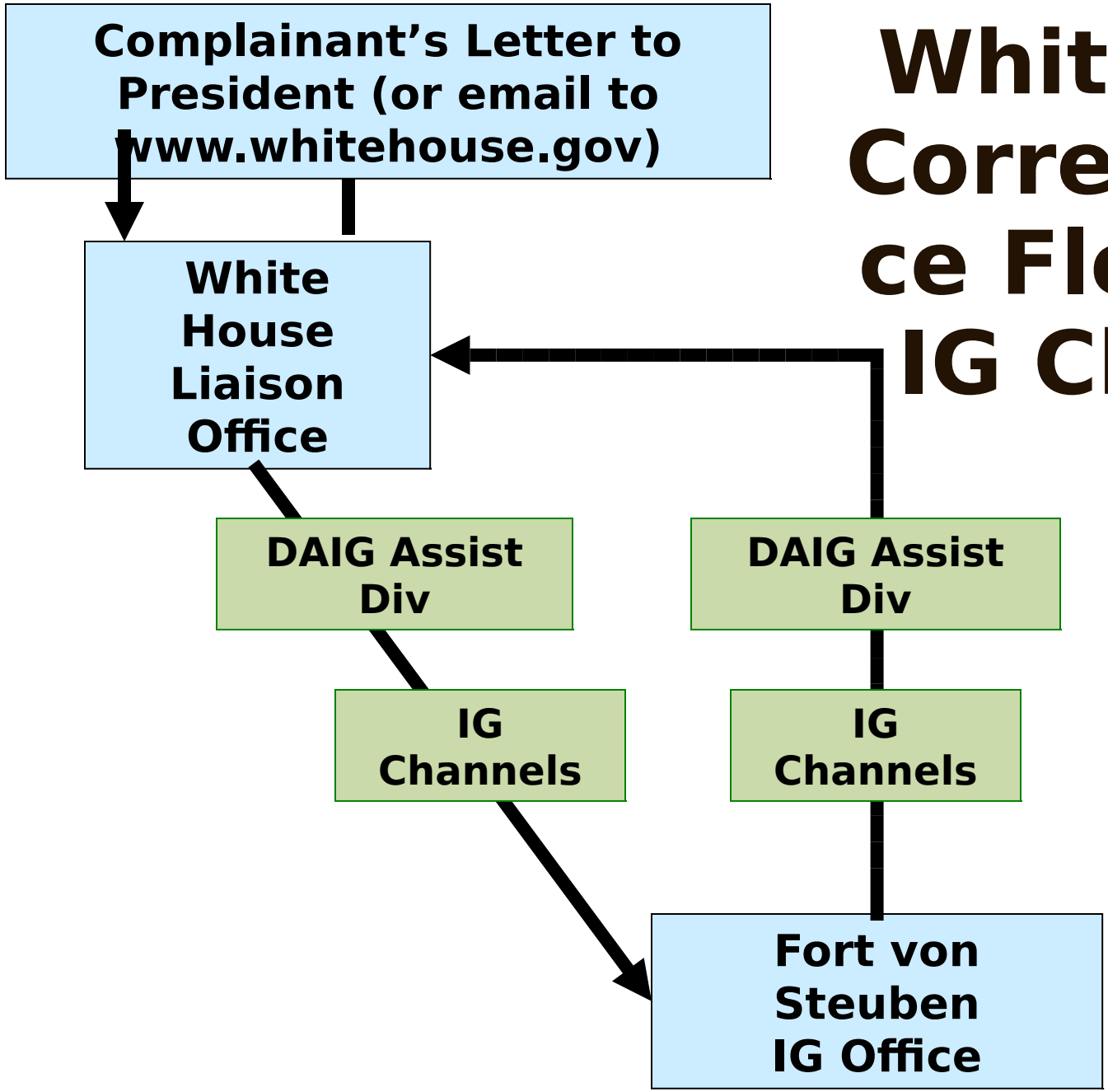
Assistance Part 2

- **During a complainant's interview (Step 1: Receive the IGAR), the complainant tells the IG that he wrote to his MoC**
  - **Contact the local congressional liaison office**
    - **If congressional liaison office working case through command channels already, then they continue to work the case**
    - **Inform complainant that a response will be received from MoC and no IG action will be taken**

Presidentials

Yet Another Way Complainants Write-In

White House Correspondence Flowchart: IG Channels



A&I Guide, Chap. 9

Miscellaneous

Issues

Private Indebtedness

Assistance Part 2

- **Command issue (AR 600-15)**
- **IG's role is to provide assistance in formulating and properly routing the complaint**
- **If complainant already initiated action, continue only if commander has not responded**

AR 20-1, para 7-4b(3)

DoD HOTLINE CASES

Assistance Part 2

- **DoD program – different formats MUST be used**
- **Use A&I Guide, Chap. 10**
  - **Sample report**
  - **Progress report**

- **Problem? Call the hotline desk in DAIG Assistance Division!**
  - **(703) 601-1070**

Assistance Part 2

Withdrawn Complaints

- **Ask why?**
  - **Is the complainant being punished for going to the IG?**
  - **Is someone else working the issue?**
  - **Is the situation resolved?**
- **Get the request to withdraw in writing.**
- **IG's decision whether or not to continue.**

AR 20-1, para 7-3f; A&I Guide, Sect. 5-2

Pen and Phone Pals

Assistance Part 2

- **Review carefully**
  - **Reopen case if there is new evidence**
  - **Open new case for new complaints**

- **Don’t ignore**

A&I Guide, Sect. 2-1-6

IG Records

AR 20-1, Chapter 3

Nature of IG Records

Assistance Part 2

ELO

- **All Army IG records are property of Secretary of the Army, including**
  - **USAR IG records**
  - **ARNG IG records concerning Federal matters**
- **IGs maintain records on SecArmy's behalf**
- **TIG is release authority**

AR 20-1, para 3-1

Assistance Part 2

What Is an IG Record?

- **Any written or recorded IG work-product**
- **Includes:**
  - **Correspondence**
  - **Documents received from complainants**
  - **IG reports**
  - **Inspector General Network (IGNET) computer files**
  - **IG notes & working papers**

Release Authority

Assistance Part 2

- **Only TIG or his designated representative can authorize release outside of IG channels**
- **Your CG can't do it**
- **Your local FOIA office can't do it**

Official Use of IG Records Within Dept of the Army

Assistance Part 2

- **Local IG can release:**
  - **IG ROI or ROII to directing authority**
  - **IG inspection report to directing authority and commanders and staff officers whose duties are related to the report**

AR 20-1, para 3-6

Official Use of IG Records Within Dept of the Army (Continued)

Assistance Part 2

- **Release of IG Records to DA Investigators**
  - **Includes personnel performing law enforcement or non-IG investigations IAW Army Regulations:**
    - **AR 15-6 Investigating Officer (IO)**
    - **Criminal Investigation Division (CID)**
    - **Military Police Investigator (MPI)**
    - **Report of Survey Officer**

Release of IG Records to DA Investigators

Assistance Part 2

ELO

- **Local IG may provide information from IG records:**
  - **Oral brief on nature of allegations**
  - **Readily available documents**
  - **If received in confidence, can not release**
  - **Oral relevance witness list, brief synopsis of testimony**

- **Maintain impartiality (Don't influence impartiality of the follow-on investigator)**

AR 20-1, 3-6i

IG Records and Adverse Action

ELO

Assistance Part 2

- **IG records are not used as a basis for adverse action . . .**

- **EXCEPT as approved by TIG on a by-exception basis**

AR 20-1, para 3-3

Request to Use IG Records for Adverse Action

Assistance Part 2

- **IG Office of Record submits request to DAIG Records Release Office.**
- **Precisely identify which portions of the IG record are needed and why.**
- **State why a follow-on investigation would be unduly burdensome, disruptive, or futile.**

AR 20-1, para 3-3

Release of IG Records Outside Dept of the Army

Assistance Part 2

- **Information can be extracted from IG records to**
  - **Respond to requests for advice, assistance, or information**
  - **Answer complaints**
  - **Prepare closure letters**

- **Personal info may be used only if authorized under the Privacy Act**

AR 20-1, para 3-7

FOIA (Unofficial) Requests For IG Records

Assistance Part 2

- **Anyone may request copies of an IG record**
- **IG receiving a written FOIA request:**
  - **Sends acknowledgment to the requestor**
  - **Sends to DAIG Records Release Office within 10 days:**
    - **Original request**
    - **Copy of the acknowledgment**
    - **One collated copy of the requested record**

- **DAIG Records Release, with TIG approval, may release IG records for unofficial use**

AR 20-1, para 3-7c

Release of IG Records Outside the Army

Assistance Part 2

- **Requests from**
  - **Congress**
  - **Non-Army IGs**
  - **Other Government agencies**
  - **Subpoenas and court orders**
  - **Accused and defense counsel**
  - **Labor organizations**

Read AR 20-1, para 3-7

Requests From the Media

Assistance Part 2

- **IGs neither confirm nor deny inquiries or investigations**
- **Refer to local Public Affairs Office (PAO)**
- **If specific records are requested, treat as FOIA**

AR 20-1, para 3-7g

Assistance Part 2

Summary

- What do you do when a complainant requests to withdraw his or her complaint?

- Who is the release authority for IG records outside of official channels?

- What information from IG records can a local IG release to an follow-on investigator for official purposes?

- Who can release IG records for adverse action?

Assistance Part 2

Questions?